IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

Bail Appl..No. 846 of 2007()

CC.362/2005 of J.M.F.C.,ALATHUR

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PETITIONERS/ACCUSED

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1. NASSAR,
CHETTITHARAKKADU VEEDU, MOOLAMKODE P.O.,
KIZHAKKENCHERRY, ALATHUR, PALAKKAD.

2. V.R.SAHADEVAN,
KUNNATH HOUSE, KANNAMTHARA,
VADAKKANCHERRY, PALAKKAD.

BY ADV. SRI.S.M.PREM
SMT.K.P.SANTHI

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 846 of 2006

DATED: February 13th , 2006

O R D E R

Petitioners who are accused Nos. 1 and 2 in Crime No. 162 of 2005 of Vadakkancherry Police Station for an offence punishable under Section 6 read with Section 3 of the Indecent Representation of Women (Prohibition) Act, 1986, seek anticipatory bail.

2. Consequent on the non-appearance of the petitioners before the Judl. First Class Magistrate, Alathur in C.C. 362 of 2005, non-bailable warrant s of arrest are pending against them. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. It is for the petitioners to seek regular bail after surrendering before the concerned Magistrate's Court. Accordingly, if the petitioners surrender before the magistrate court and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed, after examining the explanation offered by the petitioners for their previous non-appearance.

With the above observation this application is dismissed.

Sd/-V.RAMKUMAR, JUDGE.

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